

**REMARKS**

Claims 23, 42, and 49 have been amended. Claims 27, 30, 33-36, and 39 have been withdrawn from consideration. No claims have been added or canceled. Accordingly, after entry of this Amendment, claims 23-54 will remain pending.

In the Office Action dated December 20, 2003, the Examiner addressed the Applicants Reply to Election of Species Requirement dated March 4, 2003 and the Applicants Reply to Non-Responsive Reply and Supplemental Reply to Election of Species Requirement dated June 2, 2003. Specifically, the Examiner stated that the subject matter of claim 34 is directed to the species shown in Figure 7 (non-elected sub-species V) and that the subject matter of claim 36 is directed to the species shown in Figure 6 (non-elected sub-species IV). Accordingly, the Examiner did not address these two claims in the Office Action. The Examiner addressed claims 23-26, 28, 29, 31-32, 37-38, and 40-54. While the Applicants disagree with the Examiner's withdrawal of claims 34 and 36 from consideration at this time, the Applicants do not object. The Applicants believe that, upon allowance of a generic claim, all of the remaining claims will be allowed, and, therefore, that the withdrawal of these claims will become moot.

Next, the Examiner stated that the oath or declaration is defective for two reasons. First, the Examiner stated that the specification to which the oath or declaration is directed has not been adequately identified. Second, the Examiner stated that the declaration filed neither refers to the specification by title nor indicates that it is attached to the specification. The Applicants respectfully disagree with the Examiner.

On May 18, 2001, the Applicants submitted a Declaration that does not appear to include the title of the invention and that also does indicate that the specification

was attached thereto. This appears to have been an oversight. On September 14, 2001, in response to the Notice to File Missing Parts for the application, the Applicants submitted a Supplemental Declaration that identifies the filing date and the title of the application as filed. Accordingly, the Applicants have supplied a Declaration that complies with the applicable provisions cited by the Examiner. As a result, the Applicants believe that they have complied with the rules and respectfully request that the Examiner withdraw the objection to the Declaration.

In the Office Action, the Examiner objected to claim 42 based on an informality. In particular, the Examiner stated that the word “cables” should be --cable--. In response, the Applicants have amended claim 42 to replace the word “cables” with the word --cable--. Accordingly, the Applicants respectfully submit that the Examiner’s objection has been addressed. The Applicants, therefore, respectfully request that the Examiner withdraw the objection to claim 42.

Claim 48 was rejected by the Examiner under 35 U.S.C. § 112, second paragraph as indefinite for failing to particularly point out and distinctly claim the subject matter that the Applicants regard as the invention. In particular, the Examiner stated that the phrase “the at least one replaceable gear” lacks a clear antecedent basis. The Examiner noted that claim 48 does not depend from claim 47 as written. In response, the Applicants have changed the dependency of claim 48 so that it depends from claim 47. As a result, the Applicants believe that “the at least one replaceable gear” now has antecedent basis. Accordingly, the Applicants respectfully request that the Examiner withdraw the rejection under 35 U.S.C. § 112, second paragraph.

In the Office Action dated August 20, 2003, the Examiner rejected claims 23-26, 28, 29, 31, 40, 41, 46, 48, and 52-54 under 35 U.S.C. § 102(b) as anticipated by Kimura (U.S. Patent No. 4,425,976). Claims 42, 43, 44, 45, and 47 were rejected

under 35 U.S.C. § 103(a) as unpatentable over Kimura. The Examiner rejected claims 32, 37, and 38 under 35 U.S.C. § 103(a) as unpatentable over Kimura in view of Crofts (U.S. Patent No. 5,720,248). Claim 50 was rejected under 35 U.S.C. § 103(a) as unpatentable over Kimura in view of Watanabe et al. (U.S. Patent No. 4,448,279). The Examiner also rejected claim 51 under 35 U.S.C. § 103(a) as unpatentable over Kimura in view of Nakano et al. The Applicants respectfully disagree with each of the rejections and, therefore, respectfully traverse same.

Finally, the Examiner objected to claim 49 as being dependent upon a rejected base claim. The Examiner indicated that claim 49 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, the Applicants have amended claim 49 to incorporate all of the limitations of the base claim and any intervening claims. As a result, the Applicants respectfully submit that claim 49 is in a condition for allowance.

With respect to claim 49, the Applicants respectfully submit that the addition of the limitations from claims 46 and 23 does not add limitations to claim 49 in addition to those previously presented. Accordingly, the Applicants respectfully submit that claim 49 has not been narrowed in any way. As a result, the Applicants respectfully submit that claim 49 is not subject to a narrowing amendment such that the claim, in litigation, will have any breadth less than or different from its original scope.

The Applicants now address the remaining rejections of the claims as set forth above.

Specifically, the Applicants have amended claim 23 to recite a combination of elements for a drive assembly including, for example, an arrangement where the reduction gearing toothedly intermeshes the driving pinion with the driven pinion. In

addition, the Applicants have amended claim 23 to clarify that at least one wheel is disposed on the drive shaft. Since none of the prior art references describe or suggest at least this combination of features, the references cannot be relied upon, either alone or in combination, to render obvious claims 23-48 and 50-54.

In contrast, Kimura et al. describes a small-type four-wheel automobile 1, powered by an engine unit 5, with a pair of rear wheels 7 supported on a driving axle 6. (Kimura et al. at col. 2, lines 8-19.) The engine unit 5 includes an engine 10 which is formed integrally with a case 11 that encloses the associated parts from the transmission to the bearings of the driving axle 6. (Kimura et al. at col. 2, lines 20-24.)

The engine 11 includes a crankshaft 30 and a countershaft 31 operatively connected to one another by gears 35, 36, which mesh with one another so that rotary motion may be transferred from the crankshaft 30 to the countershaft 31. (Kimura et al. at col. 3, lines 1-4.) The hollow drive shaft 32 may be selectively coupled to one of three gears 54, 55, 56 via the bulge 47 on the shift rod 46. (Kimura et al. at col. 3, lines 11-25.) A sprocket 86 is press fitted as a speed reduction element on the inner end of the drive shaft 32. (Kimura et al. at col. 3, lines 18-22.) A sprocket 87, aligned with the sprocket 86, is disposed on the axle 6. (Kimura et al. at col. 3, lines 21-26.) An endless drive chain 88 connects the sprockets 86, 87 to one another so that rotary motion may be transferred to the axle 6. (Kimura et al. at col. 3, lines 21-26.)

At no point does Kimura et al. discuss a connection between a driving pinion and a driven pinion by reduction gearing toothedly intermeshed therebetween. To the contrary, the configuration described by Kimura et al. requires a countershaft 31, gearedly connected to the crankshaft 30. The countershaft 31 has gears 40, 41, 42

mounted thereon. The Kimura et al. configuration also includes a drive shaft 32 with gears 54, 55, 56 mounted thereon, a sprocket 86 mounted on the driveshaft 32, a sprocket 87 mounted on the axle 6, and a chain operatively connecting the two sprockets 86, 87 together. Wheels 7 are disposed on the driving axle 6. Kimura et al., therefore, does not describe each and every feature of the claimed invention. As a result, it cannot anticipate claims 23-48 and 50-54.

With respect to the rejection of claims 42-45 and 47 under 35 U.S.C. § 103(a) as obvious over Kimura et al., the Applicants disagree. As discussed above, Kimura et al. does not describe a toothed intermeshing between the driving pinion, the driven pinion and the reduction gearing, the driven pinion being disposed on the drive shaft having at least one wheel thereon. Not only does Kimura et al. fail to describe at least this combination of features, it also does not suggest such a combination. As a result, Kimura et al. cannot be relied upon to render obvious claims 42-45 and 47 or any of claims 23-48 and 50-54, for that matter.

With respect to the rejection of claims 32, 37 and 38 under 35 U.S.C. § 103(a) as unpatentable over the combination of Kimura et al. and Crofts, the Applicants respectfully disagree. As pointed out above, Kimura et al. does not describe or suggest the combination recited by claim 23 and claims 24-48 and 50-54 that depend therefrom. Since Crofts merely describes a torsional tunable coupling, Crofts does not cure the deficiencies noted with respect to Kimura et al. and, therefore, cannot be combined properly with Kimura et al. to render obvious claims 23-48 and 50-54.

With respect to the rejection of claim 50 as unpatentable over the combination of Kimura et al. and Watanabe et al. and the rejection of claim 51 over the combination of Kimura et al. and Nakano et al., the Applicants respectfully submit that neither reference cures the deficiencies noted above with respect to Kimura et al.

As a result, the references cannot be combined properly to render any of claims 23-48 and 50-54 obvious.

Finally, the Applicants respectfully submit that claim 23 has been amended to present a claim generic to all of the species and subspecies identified by the Examiner. As a result, the Applicants respectfully request that the Examiner consider all of the claims in this application when considering this Amendment.

Each of the objections and rejections having been addressed, the Applicants respectfully request that the Examiner withdraw the rejections asserted against claims 23-54 and pass this application quickly to issue.

If there are any fees due for entry of this submission that are not otherwise accounted for, the Applicant asks that any such fees be charged to our Deposit Account No. 03-3975, with reference to Order No. 009919/0280860.

Respectfully submitted,

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